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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,366	10/15/2003	Takashi Miyamoto	1259-0238P	3370

2292 7590 04/11/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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HENDERSON, ADAM

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/11/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/684,366	MIYAMOTO, TAKASHI	
	Examiner	Art Unit	
	Adam L. Henderson	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (US Patent 6,067,571) in view of Brooks et al. (US Patent 7,114,174).

3. With regard to claim 1 Igarashi et al. disclose a web camera (video camera 1003, FIGS. 1 and 15) for sending a moving image of a subject to a plurality of terminals (external devices 8040 and 8050, FIG. 15) through the Internet (column 3 lines 34-43 and column 17 line 15-45), said web camera comprising:

a photographing device (video camera 1003, FIGS. 1 and 15) for photographing said subject to output moving image data;

a gif generating circuit for processing said moving image data to generate a gif file (column 11 lines 26-33);

a terminal distinction circuit for distinguishing a terminal type (column 16 line 50 – column 17 line 61) [it is disclosed the system creates a moving image for the display 8050 and a still image for the display 8040, thus there must be some means of determining if the display requesting an image is of the type 8040 or of the type 8050]; and

a controller for sending said moving image data to said terminal when said terminal is the type that can reproduce said moving image data, and for sending said gif to said terminal when said terminal is the type that cannot reproduce said moving image data (column 11 lines 22-33 and column 16 line 50 – column 17 line 61).

Igarashi et al. fail to disclose that the gif image may be of an animation type.

Brooks et al. disclose that gif format images may be of an animation type (column 9 lines 55-67).

Igarashi et al. and Brooks et al. are from similar fields of endeavor because they are both transmitting moving image data over a network (Brooks et al. FIG. 1 and Igarashi et al. FIG.1).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the web camera of Igarashi et al. to include the animated gif of Brooks et al. in order to display multiple frames of the data on the display of Igarashi et al. that is already disclosed as being compatible with the gif image format.

4. With regard to claim 2 Brooks et al. disclose wherein said animation generating circuit extracts picture frames contained in said moving image data at predetermined intervals to generate said animation file (column 9 lines 55-67) [the disclosed number of frames per second].

5. With regard to claim 6 Igarashi et al. disclose a web camera as recited in claim 1, wherein said photographing device is a digital camera (column 5 lines 23-34) [while the camera is not called a 'digital camera' directly, the description of operation is consistent with the operation of a digital camera and not a film camera].

6. Claim 7 is rejected under the same analysis as claim 1.

7. Claim 8 is rejected under the same analysis as claim 2.

8. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (US Patent 6,067,571) in view of Brooks et al. (US Patent 7,114,174) as applied to claims 1 and 7 above, and further in view of Sato (US Patent 6,335,760).

9. With regard to claim 3 Igarashi et al. and Brooks et al. disclose a web camera as recited in claim 1, but fail to disclose wherein said terminal distinction circuit detects the resolution of a monitor of said terminal, and said animation generating circuit scales down an image of each picture frame contained in said moving image data in accordance with said resolution of said monitor.

Sato discloses wherein said terminal distinction circuit detects the resolution of a monitor of said terminal, and said animation generating circuit scales down an image of each picture frame contained in said moving image data in accordance with said resolution of said monitor (FIG. 14A, column 7 line 8 – column 8 line 54).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the web camera of Igarashi et al. and Brooks et al. to include the pixel thinning disclosed by Sato in order to make the displayed image conform to the display on which it is being displayed (Sato, column 7 lines 19-32).

10. Claim 9 is rejected under the same analysis as claim 3.

11. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (US Patent 6,067,571) in view of Brooks et al. (US Patent 7,114,174) as applied to claims 1

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and 7 above, and further in view of Sato (US Patent 6,335,760) and Ball et al. (US 2002/0126135 A1).

12. With regard to claim 4 Igarashi et al. and Brooks et al. disclose a web camera as recited in claim 1, but fail to disclose wherein when said terminal distinction circuit cannot distinguish said terminal type, said animation generating circuit generates said animation file by extracting picture frames contained in said moving image data at predetermined intervals, scaling down an image of each of said picture frames to a minimum size, and subtracting the number of color of said image to a minimum.

Sato discloses when said terminal distinction circuit cannot distinguish said terminal type, said animation generating circuit generates said animation file by extracting picture frames contained in said moving image data at predetermined intervals, scaling down an image of each of said picture frames to a minimum size (FIG. 14A, column 7 line 8 – column 8 line 54) [if the display is not of types A, B, or C then the image is reproduced with a thinning number of 7, the largest possible thinning available].

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the web camera of Igarashi et al. and Brooks et al. to include the pixel thinning disclosed by Sato in order to make the displayed image conform to the display on which it is being displayed (Sato, column 7 lines 19-32).

Ball et al. disclose subtracting the number of color of said image to a minimum (paragraph [0272]) [reduction of the color palette of a gif is disclosed].

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It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the web camera of Igarashi et al. and Brooks et al. to include the color palette reduction taught by Ball et al. in order to reduce the size of the image data (paragraph [0272]).

13. Claim 10 is rejected under the same analysis as claim 4.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (US Patent 6,067,571) in view of Brooks et al. (US Patent 7,114,174) as applied to claim 1 above, and further in view of Ball et al. (US 2002/0126135 A1).

15. With regard to claim 5 Igarashi et al. and Brooks et al. disclose a web camera as recited in claim 1, but fail to disclose wherein a format of said animation file is animation GIF, and said animation generating circuit reduces the color number of each picture frame contained in said moving image data.

Ball et al. disclose subtracting the number of color of said image to a minimum (paragraph [0272]) [reduction of the color palette of a gif is disclosed].

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the web camera of Igarashi et al. and Brooks et al. to include the color palette reduction taught by Ball et al. in order to reduce the size of the image data (paragraph [0272]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Henderson whose telephone number is 571-272-8619. The examiner can normally be reached on Monday-Friday, 7am to 3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALH

1 April 2007

A handwritten signature in black ink, appearing to read 'Ngoc-Yen Vu', is written over the printed name.

NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER